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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

MAY 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

ADAM D. GEARHEART

ROBERT G. PICKLESIMER

For Construction Permit for a
 New FM Station on Channel 285A
 in Harold, Kentucky

MM Docket No. 93-96

File No. BPH-920102MC

File No. BPH-920109MB

To: Andrew S. Fishel, Managing Director

REQUEST FOR HEARING FEE REFUND

ROBERT G. PICKLESIMER ("Picklesimer"), by his attorneys and pursuant to Section 1.1111(b)(4) of the Commission's Rules, hereby requests a refund of the hearing fee, in the amount of \$6,760, in the above-referenced proceeding.

Under Section 1.1111(b)(4) of the Commission's Rules, the hearing fee will be refunded provided that a settlement agreement is filed with the presiding judge by the Notice of Appearance deadline, and, provided further, that the settlement agreement provides for the dismissal of all but one of the applicants. and

and Alan D. Gearheart, filed a settlement agreement with the presiding judge. By Memorandum Opinion and Order, FCC 93M-280, released May 20, 1993, the presiding judge approved the settlement agreement and granted the application of the single remaining applicant. See Exhibit 2. Accordingly, a refund of the hearing fee is warranted.

IN VIEW OF THE FOREGOING, Picklesimer respectfully requests a refund in the amount of \$6,760, made payable to Robert G. Picklesimer, be made and delivered to undersigned counsel.

Respectfully submitted, °

ROBERT G. PICKLESIMER

By 
Michael E. Beller

VERNER, LIIPFERT, BERNARD,
MCPHERSON AND HAND, CHARTERED
901 Fifteenth Street, N.W.
Suite 700
Washington, D.C. 20005
(202) 371-6119

His Attorney

May 25, 1993

EXHIBIT 1

Stamp + Return

FCC/MELLON

AUG 04 1992

LAW OFFICES

VERNER, LIIPFERT, BERNHARD, McPHERSON AND HAND

CHARTERED

SUITE 700

901-15TH STREET, N.W.
WASHINGTON, D.C. 20005-2301

(202) 371-6000

TELEX: 1561792 VERLIP UT
TELECOPIER: (202) 371-6279

HOUSTON OFFICE

6901 TEXAS COMMERCE TOWER
600 TRAVIS
HOUSTON, TEXAS 77002
(713) 237-9034
TELECOPIER: (713) 237-1216

VIRGINIA OFFICES

8280 GREENSBORO DRIVE MCLEAN, VIRGINIA 22102 (703) 749-6000 TELECOPIER: (703) 749-6027	10484-A ARMSTRONG STREET FAIRFAX, VIRGINIA 22030 (703) 591-2883 TELECOPIER: (703) 385-7998
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TERRENCE J. McCARTIN
DEAN R. BRENNER
FRANCES C. DELAURENTIS
LAWRENCE H. COOPER*
DON C. LEWIS*
LINDA E. COLLIER*
REBECCA M.J. GOULD*
JOHN S. MOOT
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CHRIS B. WETHERINGTON*
JOHN A. ORDWAY, JR.
BETH WOLFFE
DOUGLAS W. HALL
LISA HARRIS DEAN
J. GREGORY BISHOP

OF COUNSEL

PAUL C. SHEELINE
RICHARD H. SALTSMAN
CHARLENE A. STURBITTS
HOWELL E. BEGLE, JR.
BRUCE A. KIMBLE**
ROBERT W. BLANCHETTE
DOROTHEA SUMMERELL

MARY K. WILLIAMS*
JOSEPH E. BRENNAN*
STEPHEN W. VAN HOOZER*
GENE R. SCHLEPPENBACH*
J. ROBERT KIRK
JAMES K. JACKSON

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
* ADMITTED IN TEXAS

JAMES M. VERNER*
EUGENE T. LIIPFERT
EMERITUS
BERL BERNHARD
HARRY McPHERSON
LLOYD N. HAND*
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
FRITZ R. KAHN
BERNHARDT K. WRUBLE
THOMAS J. KELLER
JOHN A. MERRIGAN
JOSEPH L. MANSON, III
WILLIAM H. CRISPIN*
CLINTON A. VINCE
GLEN L. ORTMAN
ERWIN G. KRASNOW
JAMES F. HIBEY
RUSSELL E. POMMER
GEORGE M. FOOTE, JR.*
BUEL WHITE*
WILLIAM F. ROEDER, JR.*
ROY G. BOWMAN
AMY L. BONDURANT
HOPEWELL H. DARNEILLE, III
DOUGLAS OCHS ADLER

RILEY K. TEMPLE*
JOHN P. CAMPBELL*
MICHAEL J. BARTLETT*
DOUGLAS J. COLTON
JOHN H. ZENTAY
FRED W. DROGULA
ANDREA JILL GRANT
GARY J. KLEIN
J. CATHY FOGEL
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LAWRENCE R. SIDMAN
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BENJAMIN H. FLOWE, JR.
FREDERICK J. TANSILL*
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SUSAN O. TEMKIN
JAMES J. BLANCHARD*
WILLIAM A. ZEITLER*
NEIL T. PROTO
LESLIE M. ALDEN*
LAWRENCE Z. LORBER
R. STUART BROOM
ROBERT G. VARNER, JR.
KENNETH S. BARR

LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

WRITER'S DIRECT DIAL NUMBER
(202) 371-6119

August 4, 1992

DELIVER BY HAND

Donna Searcy, Secretary
c/o Federal Communications Commission
Mass Media Services
P.O. Box 358170
Pittsburgh, PA 15251-5170

Re: Hearing Designation Fee;
Robert G. Picklesimer;
File No. BPH-920109MB; Harold, Kentucky

Dear Ms. Searcy:

On behalf of Robert G. Picklesimer, an applicant for a new FM station in Harold, Kentucky (File No. BPH-920109MB), enclosed herewith is a check in the amount of \$6,760, along with FCC Form 155, to cover Mr. Picklesimer's hearing fee.

Pursuant to FCC Public Notice Report No. NA-160, released June 3, 1992, and the Erratum thereto, the deadline for payment of Mr. Picklesimer's hearing fee is August 6, 1992. Therefore, this hearing fee is timely paid.

Donna Searcy, Secretary
August 4, 1992
Page 2

If any questions should arise concerning this matter, please
contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Beller", written in a cursive style.

Michael E. Beller

/jywb
Enclosure

cc: Robert G. Picklesimer

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FCC
USE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Picklesimer, Robert G.

MAILING ADDRESS (Line 1) (Maximum 85 characters - refer to Instruction (2) on reverse of form)

P.O. Box 20736

MAILING ADDRESS (Line 2) (if required) (Maximum 85 characters)

CITY

Louisville

STATE OR COUNTRY (if foreign address)

Kentucky

ZIP CODE

40250

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

File No. 920109MB

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

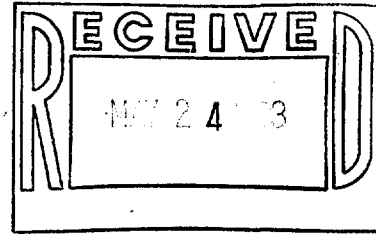
FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

EXHIBIT 2



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 93M-280
31559

In re Applications of)	MM DOCKET NO. 93-96
)	
ADAM D. GEARHEART)	File No. BPH-920102MC
)	
ROBERT G. PICKLESIMER)	File No. BPH-920109MB
)	
For Construction Permit for a)	
New FM Station on Channel 285A)	
in Harold, Kentucky)	

MEMORANDUM OPINION AND ORDER

Issued: May 18, 1993 ; Released: May 20, 1993

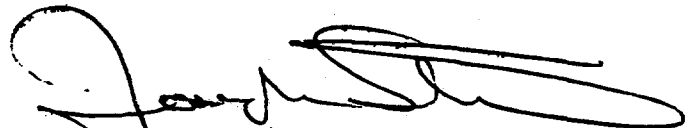
1. Under consideration are a "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart (Gearheart) and Robert G. Picklesimer (Picklesimer) on April 27, 1993; a supplement thereto filed by Gearheart on April 29, 1993; a supplement to the joint motion filed by Picklesimer on May 3, 1993; and "Mass Media Bureau's Comments in Support of Joint Motion for Approval of Agreement" filed by the Bureau on May 11, 1993.

2. Gearheart and Picklesimer have entered into a settlement agreement and have submitted the agreement for approval. Pursuant thereto, Picklesimer has agreed to dismiss his application in exchange for the payment of \$14,000 (or the amount approved by the Commission, whichever is less) from Gearheart. Picklesimer has shown by appropriate documentation that he has incurred legitimate and prudent expenses in excess of \$14,000.

3. The joint motion and supporting materials submitted by the applicants satisfy the requirements of Section 73.3525 of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. In this connection, the applicants have established that neither application was filed for an improper purpose, and that approval of the agreement would serve the public interest. Moreover, payment to the dismissing applicant, as previously noted, is not in excess of legitimate and prudent expenses incurred in the prosecution of the application.

Accordingly, IT IS ORDERED that the "Joint Motion for Approval of Agreement" filed by Adam D. Gearheart and Robert G. Picklesimer on April 27, 1993, and supplemented on April 29, 1993, and May 3, 1993, IS GRANTED; the agreement IS APPROVED; payment in the amount of \$14,000 to Robert G. Picklesimer IS AUTHORIZED; the application of Robert G. Picklesimer (File No. BPH-920109MB) IS DISMISSED, with prejudice; the application of Adam D. Gearheart (File No. BPH-920102MC) for a construction permit to build a new FM station on Channel 285A in Harold, Kentucky, IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'Joseph Stirmer', is written over the printed name.

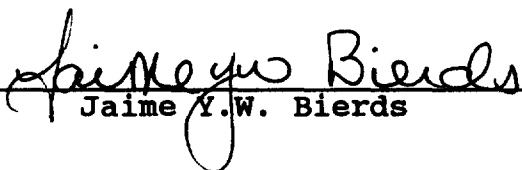
Joseph Stirmer
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I, Jaime Y.W. Bierds, a secretary for the law firm Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that a true and correct copy of the foregoing "Request for Hearing Fee Refund" was delivered by hand, this 25th day of May, 1993, to the following:

Andrew S. Fishel, Managing Director
Office of the Managing Director
Federal Communications Commission
1919 M Street, N.W.
Room 852
Washington, D.C. 20554

Douglas Cooper
Office of General Counsel
Federal Communications Commission
1919 M Street, N.W.
Room 625
Washington, D.C. 20554


Jaime Y.W. Bierds